THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18180 OF 2004

23rd December, 2005

Between:

G.Vittal Reddy …Petitioner

A N D

1. Chief Post Master General

A.P. Circle, Abids, Hyderabad and another …Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 18180 OF 2004

O R D E R :

1. This writ petition has been filed by G.Vittal Reddy with a prayer to issue order or direction more particularly one in the nature of writ of mandamus directing the respondents to release the registered sale deed No. 2709 dated 19-5-1975 in his

favour by declaring the action of respondents in not releasing the said document as arbitrary, unreasonable and violative of Article 14 of Constitution of India.

2. The petitioner purchased 12 Indira Vikas Patras (herein after referred to as 'Patras' for brevity) worth Rs. 2,500/- each face value, bearing No. C/17349225 to 349236. The maturity period of said Patras was for a period of five years which was expired on 17-6-1995. He lost the original Patras. He made claim before the respondents on the maturity of the Patras. The respondents refused to pay the amount because of not producing the original Patras. The petitioner was constrained to file W.P.No. 29546/97. The said writ petition came to be allowed directing the respondents to pay the amounts covered under Patras in question to the petitioners subject to his furnishing bond and security. Accordingly, the petitioner executed a bond and deposited title deeds relating to his house property as security and thereupon the respondents paid amount covered under Patras in question. Subsequently, he submitted representation for release of the registered sale deed bearing No. 2709 of 1975 dated 19-05-1975 which he deposited as collateral security. Since his representation proved to be futile, he approached this Court invoking jurisdiction under Article 226 of the Constitution of India with a prayer stated supra.

3. Counter affidavit has been filed by the respondents.

4. It is stated in the counter affidavit that the amounts covered under Patras in question were paid to the petitioner on 13-7-1999. Para 5 of the counter affidavit need to be noted and it is thus:

> "*It is submitted that accordingly payment was made to the petitioner on 13-7-1999 on furnishing a personal indemnity bond for the total sum of the certificates along with House Property documents in original.*
>
> *In reply to para 1 to 4 on submission of application for return of original sale deed, as no specific time frame was prescribed in the Judgment to W.P.No.29546 of 1997 for return of the sale deed. As per rule No. 57 (3) of Post Office Savings Bank Manual Volume II, no application is required to be submitted by the purchaser for issue of Indira Vika Patras (IVPs). Hence, no record with regard to identity of the purchaser will be maintained at the Post Office. Only the numbers of Indira Vikas Patras (IVPs) sold, date of sale and the registration number will be noted in the sale register concerned.*

It is further submitted that if the documents relating to the immovable property of the petitioner are released, the Department will be put to loss in case anybody comes demanding payment of the maturity value of Indira Vikas Patras (IVPs) at later date

In view of the explained above, it is prayed that this Hon'ble Court maybe pleased to pass appropriate orders as this Hon'ble Court may deem fit and proper in the circumstances of the case".

5. Heard learned counsel for the petitioner and learned Standing Counsel for the Central Government appearing for the Respondents.

6. Learned counsel for the petitioner submits that the amounts have been paid to the petitioner by the respondents as per direction given by this Court in W.P.No. 29546 of 1997 on 13-7-1999 and so far no one has made any rival claim and thus the documents submitted by the petitioner as security are no more required to be retained by the respondents.

7. The factual aspect of the petitioner depositing the title deeds of his property as security for releasing the amounts covered under Patras in question is not in dispute. The amount has been paid to the petitioner on 13-7-1999. So far no rival claim has been made in respect of the Patras in question.

8. In that view of the matter, there would be no purpose for the respondents to keep the document of the property relating to the petitioner in their custody.

9. Accordingly, the writ petition is disposed of directing the respondents to release the documents deposited by the petitioner with them as security within six weeks from the date of receipt of a copy of this order. No order as to costs

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Justice B.Seshasayana Reddy

23rd December, 2005

C.C. in a week

B/o

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